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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,893

03/25/2004

Richard T. Halishak

16-451

7407

28060

7590

10/16/2006

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EXAMINER

LABBEES, EDNY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,893	<b>Applicant(s)</b> HALISHAK, RICHARD T.	
	<b>Examiner</b> Edny Labbees	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15, 16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15, 16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>9/19/2006</u>                            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                           |

## DETAILED ACTION

### *Status Of Claims*

1. In the response filed 7/25/2006, claims 12-14 and 17 has been canceled. Claims 12 and 23 have been added. Therefore, claims 1-11, 15, 16 and 18-23 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 7, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (US 5,235,329) in view of Gibbons et al. (US 2002/0102961) and further in view of Coon (US 2003/0141990).

Regarding Claim 1, Jackson discloses *Emergency Vehicle Detection Device* that has the following claim limitations:

Claimed mounting a transmitter and a receiver to an emergency vehicle is met by a transmitter (unlabeled) and a receiver (unlabeled) in an emergency vehicle (see Col. 1 Ins 58-68 and Col. 2 Ins 1-6); claimed mounting an additional receiver in a private or commercial motor vehicle is met by a receiver (unlabeled) mounted unto an ordinary

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automobile that is sensitive to the sirens of the emergency vehicles (see Col. 1 Ins 41-48); claimed displaying a visual warning from a visual indicator mounted to the private or commercial vehicle is met by the receiving vehicle that includes a receiver where a visual alarm is actuated when a signal is received by the transmitter in the emergency vehicle (see Col. 1 Ins 41-48). Jackson does not disclose a system where the emergency vehicle outputs a digital signal that is detectable within a range. However, Gibbons discloses *Emergency Vehicle Warning System* that teaches a transmitter unit (14) that can send both digital and analog signals and where the digital signal contains digital information which is automatically generated in order to provide more specific information concerning the emergency vehicle (see paras [0013]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Gibbons into the system of Jackson for outputting digital signals, to improve situation awareness and help the user assess the emergency situation better, so the user can react in a safer manner.

In addition, neither Jackson nor Gibbons teaches a system where a digital signal is transmitted from a transmitter when an emergency vehicle light bar but not the siren of said emergency vehicle is actuated. However, it is well known in the art that light detectors are mounted on vehicles to detect the flashing lights of emergency vehicles and alert the driver of the vehicle. Coon discloses *Method And System For Communicating Alert Information To A Vehicle* that teaches a system where an emergency vehicle (11) is equipped with a transmitter (unlabeled) that transmit emergency vehicle location data. The transmitter is preferably coupled to the light bar

and sire such that data is transmitted whenever the light or siren on emergency vehicle (11) are active (see paras [0023]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Coon into the systems of Jackson and Gibbons as an alternative to alert the user that the emergency vehicle is in the vicinity.

Furthermore, the combination of Jackson, Gibbons and Coon does not specifically disclose turning off its own signal at periodic intervals to allow receipt by of the receiver by other emergency vehicles in the vicinity. Jackson teaches prevention between transmitter/receiver by using frequency separation. However, it has been known to alternatively use time separation between the transmitter and receiver to prevent interfering interaction between the transmitter and receiver such as taught by Rootsey, which discloses *Repeater Station For Augmenting The Coverage Area Of A Paging System*. Rootsey discloses a power control switch (50) and a transmit/receive isolator (58) that used to periodically allow the FM antenna (60) to connect to the scanning receiver (56) (see Col. 4 lns 49-57). It would have been obvious to one of ordinary skill in the art to use the alternative time separation feature of Rootsey into the system(s) of Jackson, Gibbons and Coon to achieve the same objective of preventing interfering interaction between the transmitter and receiver while removing the design limitation of requiring separate frequencies for the transmitter and receiver, thereby reducing bandwidth requirements for the system, thus leading to cost reduction and simplified FCC licensing benefits.

Regarding Claim 2, Jackson discloses a system that can transmit a single frequency or a various frequencies such as 463 MHz to 469 MHz, which falls in the Ultra High Frequency (UHF) range of 300 MHz to 3000 MHz. In addition, since the system of Jackson is applicable to emergency vehicles, one of ordinary skill in the art would readily recognize that an emergency vehicle encompasses police, ambulance and fire vehicles and thus are emergency agencies.

Regarding Claim 6, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 7, the claim is interpreted and rejected as claim 2 stated above.

Regarding Claim 20, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 21, the claim is interpreted and rejected as claim 20 stated above.

4. Claims 3, 5, 8, 10, 11, 15, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson, Gibbons et al. and Coon and further in view of Crockford et al. (US 6,630,892).

Regarding Claim 3, the claim is interpreted and rejected by claim 2 stated above. In addition, Jackson, Gibbons and Coon do not disclose the claimed limitation where the device is comprised of a signal encoded with information conveying the type of emergency vehicle the signal is originating from. However Crockford teaches *Danger Warning System* that has a signal encoder (330) connected to a signal transmitter (300) where the signal encoder (330) has access to a unique site identification code. The

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unique site identification code serves to identify the type of site, such as ambulance, law enforcement and fire department (See Col.7 Ins 39-47). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Crockford into the system of Jackson so that the motorist and/or emergency service can detect what type of emergency service is approaching so he/she can properly give the right of way.

Regarding Claim 5, the claim is interpreted and rejected as claims 2 and 3 stated above.

Regarding Claim 8, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 10, the claim is interpreted and rejected as claim 5 stated above.

Regarding Claim 11, the claim is interpreted and rejected as claims 1 and 3 stated above. In addition, since Crockford teaches a system where a unique site identification code to identify the type of site, such as ambulance, law enforcement and fire department (see Col. 7 Ins 39-47), one of ordinary skill in the art would readily recognize to incorporate the teachings of Crockford into the system(s) of Jackson and Gibbons, where a visible signal device (16) (see Jackson, Col. 2 Ins 50-61) is disclosed to display that type of site.

Regarding Claim 15, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 16, the claim is interpreted and rejected as claim 3 stated above. Crockford discloses a signal encoder (330) connected to a signal transmitter (300) where the signal encoder (330) has access to a unique site identification code.

The unique site identification code serves to identify the type of site, such as ambulance, law enforcement and fire department (See Col.7 Ins 39-47).

Regarding Claims 18 and 19, the claims are interpreted and rejected as claims 3 and 16 stated above.

Regarding Claim 23, the claim is interpreted and rejected as claim 3 stated above.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson, Gibbons et al. and Coons and further in view of Nunn (US 5,625,257).

Regarding Claim 22, Neither Jackson, Gibbons nor Coons discloses a switch for actuation of the emergency vehicle light bar. However, it is well known in the art that a switch is used to turn on/off an electrical system, thereby saving electrical energy when the system is not in use by turning the system off. Nunn discloses *Emergency Vehicle Light Switching And Controlling Circuit* that teaches a system where the light bar are controlled by a power relay (12) in response to a master switch (14) (See Col. 3 Ins 33-37). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of into the system(s) of Jackson, Gibbons and Coons to provide a switch to turn on/off the light bar, thereby saving electrical energy, when the light bar is not in use.

***Allowable Subject Matter***



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6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to show a transmitter of an emergency vehicle outputting a digital signal that occurs at periodic intervals and is periodically turned off for 3-5 seconds while the receiver of the emergency vehicle monitors signals originating from other emergency vehicles.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turbeville et al. *Emergency Vehicle Detection System*, (US 6,778,101)

Bishop, *Broadcast Band Siren Alarm Transmitter System...* (US 4,443,790)

Johnston, *Approaching Vehicle Forming System And Method*, (US 4,747,064)

Prevulsky et al. *Emergency Vehicle Alert System*, (5,307,060)

Henry et al. *Vehicular Emergency Vehicle Alarm Apparatus*, (6,094,148)

Trizzino et al. *Emergency Vehicle Warning System And Method*, (US RE38,763)

Yu et al. *Systems And Methods For Distributing Information To...*(US 6,807,464)

Brill, *Remote Vehicle Identification And Disabling System*, (US 6,505,101)

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-11, 15, 16 and 18-23 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Correspondence***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

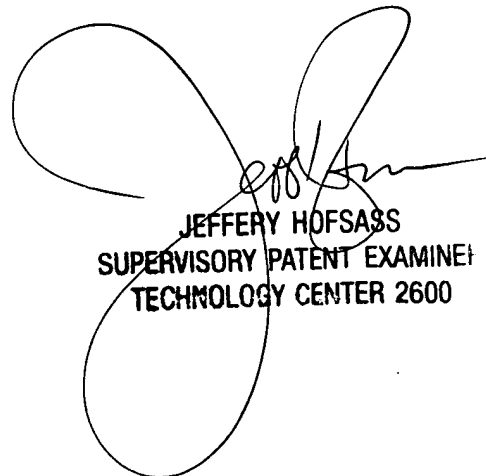
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees  
10/3/2006



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